

No. 20

September 6, 2001

## **S. 1215 – Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, FY 2002**

Calendar No. 95

Reported as an original bill from the Committee on Appropriations on July 20, 2001, by a vote of 29-0.  
S. Rept. 107-42.

### **NOTEWORTHY**

- S. 1215 appropriates \$41.53 billion in new budget authority for FY 2002. This amount is \$1.74 billion more than the appropriation for FY 2001, and \$720 million more than the budget estimate. [See chart on p. 2 showing totals by title.]
- The Committee bill provides funding to support —
  - The **Department of Justice (\$21.53 billion)** and its component agencies, such as the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the Drug Enforcement Administration (DEA);
  - The **Department of Commerce and related agencies (\$5.66 billion)**, of which \$3.35 billion supports the National Oceanic and Atmospheric Administration (NOAA);
  - The **Federal Judiciary (\$4.49 billion)**;
  - The **Department of State and related agencies (\$7.66 billion)**, including contributions for United Nations organizations and international peacekeeping. The largest component of this amount is for the Department's Administration of Foreign Affairs (\$5.22 billion); and
  - **Related Agencies (\$2.31 billion)**.
- The House passed its version of the CJS appropriations bill (H.R. 2500) on July 18, 2001, by a vote of 408-19.
- Significant items in the Senate bill (but not in H.R. 2500) include (1) a permanent extension of Section 245(i) of the Immigration and Nationality Act (which expired in April 2001) enabling unauthorized aliens to adjust to legal permanent resident status if they are otherwise eligible for visas; and (2) a reduction of \$71 million from the President's request for international peacekeeping activities.

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## HIGHLIGHTS

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Totals, by title, are provided below:

### **Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations, FY 2002**

(Dollars in thousands)

<b>Appropriation Account</b>	<b>FY 2001 Level</b>	<b>Budget Estimate</b>	<b>Senate Committee Recommendation</b>
<b>Title I, Justice Department</b>	<b>21,028,932</b>	<b>21,107,774</b>	<b>21,532,214</b>
<b>Title II, Commerce Dept., Related Agencies</b>	<b>5,228,486</b>	<b>5,171,005</b>	<b>5,662,719</b>
<b>Title III, Federal Judiciary</b>	<b>4,254,781</b>	<b>4,872,713</b>	<b>4,491,578</b>
<b>Title IV, State Department, Related Agencies</b>	<b>7,041,288</b>	<b>7,976,536</b>	<b>7,658,282</b>
<b>Title V, Related Agencies</b>	<b>2,196,308</b>	<b>1,804,192</b>	<b>2,309,004</b>
<b>Title VII, Rescissions</b>	<b>-15,644</b>	<b>-125,000</b>	<b>-126,620</b>
<b>Totals</b>	<b>39,784,041*</b>	<b>40,807,220</b>	<b>41,527,177</b>

\*This column does not add because the FY01 bill also contained a separate title providing \$50 million for wildlife conservation and restoration planning.

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## BILL PROVISIONS

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## Title I — Department of Justice

The Committee bill recommends an appropriation of \$21.53 billion for Department of Justice programs, allocated according to the following major categories:

- \$3.47 billion for the **Federal Bureau of Investigation**, including \$485.3 million for counterterrorism investigations, foreign counterintelligence, and other activities related to national security. Also for the FBI, the Committee recommends \$32.5 million for planning, site preparation, design, and construction of an Engineering Research Facility annex, and an additional \$10.3 million for refurbishing the existing facility. The Administration's construction request was \$1.3 million.
- \$1.49 billion for the **Drug Enforcement Administration** (DEA), including \$33 million for DEA's methamphetamine initiative, and \$48.4 million for grants to states for hiring, training, and clean-up.
- \$1.26 billion for the **U.S. Attorneys**; and \$742 million for the **U.S. Marshals Service**.
- \$5.51 billion for the **Immigration and Naturalization Service**, including \$2.06 billion in offsetting fees. Of this amount, \$25.4 million is for 348 additional land border inspectors to be deployed to the most understaffed Points of Entry; \$67.5 million is to increase air inspectors; \$75 million is for 570 new Border Patrol agents; and \$22.6 million is for high-priority border patrol equipment.
- \$4.69 billion for the **Federal Prison System**.
- \$4.1 billion for the **Office of Justice Programs**, including \$2.09 billion for **state and local law enforcement assistance**, and \$1.02 billion for **Community Oriented Policing Services**.
  - A total of \$565 million is provided for Justice Assistance, including RISS (\$38.5 million) and counterterrorism activities.
  - Of the \$328.5 million provided for **Juvenile Justice programs**, \$25 million is to assist states in enforcing underage drinking laws.
  - Under state and local law enforcement assistance, these funds are provided:
    - \$400 million for the LLEBG, including \$80 million for Boys and Girls Clubs;
    - \$35.2 million for tribal prison construction;
    - \$8 million for Indian tribal courts program;
    - \$5 million for Indian grants;
    - \$265 million for state criminal alien assistance (SCAAP);
    - \$500 million for Byrne grants (formula); \$78 million Byrne grants (discretionary);
    - \$249.5 million for Juvenile Crime Block grant;
    - \$50 million for Drug Courts;

- \$391 million total for violence against women (VAWA) programs, including VAW grants (\$310 million); stalking and domestic violence grants program (\$3.0 million); Violent Crimes Against Women on Campus (\$10.0 million); Legal Assistance for victims (\$40.0 million); Protection for Older and Disabled Women (\$5.0 million); Safe Havens for Children pilot program (\$15.0 million); education and training to end violence against and abuse of women with disabilities (\$7.5 million); and
- \$68 million for State prison drug treatment.

- A total of \$58.9 million is provided for the Weed and Seed program.

**Other notable features in Title I include:**

- As stated in the Committee Report (page 9), S. 1215 does not contain an appropriation for the Department of Justice “Counterterrorism Fund,” which is funded in the House bill at the level requested by the President, at \$4.99 million.
- Also regarding counterterrorism, Section 604 of the Senate bill recommends \$23 million for the creation of a new position of Deputy Attorney General for Combating Domestic Terrorism (DAG-CT), who would oversee all Federal activities for combating terrorism. The DAG-CT (to be confirmed by the Senate) and the Deputy Director of the Federal Emergency Management Agency (FEMA) would be the “Co-Coordination for Combating Domestic Terrorism.” They would work closely with the appropriate federal agencies and with the state and local jurisdictions, and would have the following duties:
  - Make recommendations to the President and Congress on necessary changes in the organization, management, and budgets of those federal agencies involved in combating terrorism. They also would be responsible for developing a comprehensive national strategy for preventing, preparing for, and responding to domestic terrorism. This strategy would establish national policies, objectives, and priorities for combating terrorism. It would be based on four key components: prevention, preparedness, crisis management, and consequence management.
  - Agencies involved in combating terrorism would submit a budget request to the Co-Coordination before submission to the Office of Management and Budget. The Co-Coordination would review each budget request to determine if it is adequate and if it complements the national strategy. The Co-Coordination would then submit a consolidated combating terrorism budget proposal to the President.
  - Several offices within the Department of Justice, including the National Domestic Preparedness Office (NDPO) and the Office of State and Local Domestic Preparedness (OSLDP) would be transferred under the DAG-CT. All research and development programs relating to terrorism also would be funded through the DAG-CT.
- The Committee recommends restructuring the FBI’s budget to better allow the agency to more quickly react to emerging criminal trends. Among its recommendations (see pp. 27-32 of the Committee Report), the new structure creates three new decision units in order to focus resources on “Tier 1” missions: “National Security,” “Counterterrorism,” and “Cyber-Investigations and Infrastructure Protection.”

- Because narcotics are deemed a “Tier 2” priority, the Committee recommends that some of the FBI’s resources for narcotics investigations be redirected toward counterterrorism and counter-espionage missions, and that the agency report to the Committee on its ability to redirect the narcotics burden to the DEA and other agencies.
- Section 109 amends Section 286(e)(1) of the Immigration and Nationality Act (INA) to provide for the collection of a fee of \$3 for each individual passenger provided with immigration inspection services arriving in the United States on a passenger or commercial vessel originating in Mexico, Canada, the United States, or adjacent islands.
- Section 110 amends Section 245(i) of the INA to permanently extend the opportunity for unauthorized aliens to adjust to legal permanent resident status if they are otherwise eligible for visas. Section 245(i) expired on April 30, 2001; the Bush Administration supports the extension.

## **Title II — Department of Commerce and Related Agencies**

The Committee bill provides \$5.66 billion to the Department of Commerce and related agencies, as follows:

- \$30.1 million for the **U.S. Trade Representative**;
- \$49.4 million for the **International Trade Commission**;
- \$347.1 million for the **International Trade Administration**;
- \$68.9 million for the **Bureau of Export Administration**;
- \$517.1 million for the **Bureau of the Census**. Salaries and expenses for the agency are funded at a level of \$168.6 million;
- \$73 million for the **National Telecommunications and Information Administration**. The Public Broadcasting program is funded at \$43.5 million. The Technology Opportunities program is funded at \$15.5 million;
- \$696.5 million for the **National Institute of Standards and Technology (NIST)**, of which \$343.3 million is for Scientific and Technical Research and Services. The **Advanced Technology Program (ATP)** program is funded at \$204.2 million and the **Manufacturing Extension Partnership (MEP)** program is funded at \$105.1 million;
- \$1.14 billion, matching the President’s request, for the **Patent and Trademark Office**;
- \$28.4 million for the **Minority Business Development Agency**; and
- \$3.35 billion for the **National Oceanic & Atmospheric Administration (NOAA)**, of which \$2.27 billion is for operations, research, and facilities.

## **Title III — The Judiciary**

The Committee bill recommends an appropriation of \$4.49 billion (an amount which is \$381 million below the budget request) for the operation and maintenance of the Federal courts, including the salaries of judges, magistrates, supporting personnel, and other expenses, as follows:

- The Committee recommends \$47.5 million for the Supreme Court. It recommends only \$7.5 million of the \$117.7 million requested for Supreme Court building renovations due to its concerns that the Court's construction approach involves the digging out of an underground annex for temporary work space. The Committee recommends that a revised construction plan be delivered by January 1, 2002, and anticipates construction to start in 2003 under the revised plan.
- The bill provides \$4.29 billion for the courts of appeals, district courts, and other judicial services.

## **Title IV — Department of State and Related Agencies**

The Committee bill recommends funding at the level of \$7.66 billion for the Department of State and related agencies; this amount is \$318.3 million below the President's request. The major spending categories include:

- \$5.22 billion for Administration of Foreign Affairs, the **State Department's** largest account. This figure includes \$3.5 billion for diplomatic and consular programs.
- \$1.07 billion is allocated for embassy security, construction, and maintenance.
- \$1.09 billion for Contributions to International Organizations.
- \$773.2 million for international peacekeeping activities, which is \$71 million less than the President requested and the House approved.
- \$414.8 million for international broadcasting operations.

## **Title V — Related Agencies**

The Committee recommends a total of \$2.31 billion for related agencies, including:

- \$291.7 million for the **Maritime Administration**, with \$98.7 million for the Maritime Security Program. NOTE: The budget request recommended that jurisdiction over the Maritime Security Program be shifted to the Navy, but the Committee did not agree.

- \$104 million for the Title XI Maritime Guaranteed Loan Program.
- \$773.5 million for the **Small Business Administration (SBA)**, including \$88 million for the Small Business Development Centers (SBDCs); \$15 million for PRIME technical assistance; \$12 million for Women’s Business Centers; \$20 million for Microloan Technical Assistance; and \$204.9 million for the disaster loans program account.
- \$156.3 million program level (funded by fee collections) for the **Federal Trade Commission (FTC)**.
- \$252.5 million for the **Federal Communication Commission (FCC)** with \$218.8 million in offsetting fees.
- \$329.3 million for the **Legal Services Corporation (LSC)**, including \$310 million for field grants.
- \$514 million for the **Securities and Exchange Commission (SEC)** which includes additional funding to investigate and prosecute Internet-related cases.

## **Title VI — General Provisions**

Most of the general provisions have been included in previous years’ appropriations bills. For example, Section 605 restates previous law with regard to the reprogramming of appropriated funds among agency programs or activities.

Section 616 of the bill prohibits any appropriated funds from being used for implementation of any tax or fee (including a user fee) in connection with the implementation of the Brady Handgun Control Act of 1993 (18 U.S.C. 922(t)), or any background check system to implement the Brady Act, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

## **Title VII — Rescission**

Due to the existence of unobligated balances available for peacekeeping activities, the Committee bill makes a rescission of \$126.6 million under this title.

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### **ADMINISTRATION POSITION**

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No Statement of Administration Policy (SAP) had been received by press time.

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## **COST**

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According to the Committee Report (page 5), the bill's general purpose discretionary spending is \$38.38 billion in budget authority. With regard to outlays, the Committee, in consultation with the Congressional Budget Office, estimates that the bill would result in outlays of \$26.51 billion in FY 2002, \$7.08 billion in FY 2003, \$3.97 billion in FY 2004, \$1.69 billion in FY 2005, and \$573 million in FY 2006 and beyond.

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## **POSSIBLE AMENDMENTS**

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- Smith (NH). To prohibit the use of funds by the State Department for going into court to argue against claims by American POWs from World War II for compensation from Japanese private companies that benefitted from their slave labor.
- Craig. Concerning U.S. participation in the International Criminal Court.
- Stevens. Regarding Section 109 which provides for the collection of an inspection fee for cruise ship passengers.

Other amendments are anticipated, but their contents could not be confirmed at press time.

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